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Interview Summary

Application No.

09/862,865

Applicant(s)

COUPLAND ET AL.

Examiner

Matthew s Gart

Art Unit

3625

All participants (applicant, applicant's representative, PTO personnel):

(1) Matthew s Gart.

(3) _____.

(2) Christopher J. Rourk.

(4) _____.

Date of Interview: 19 May 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: "Hotelier & Caterer" article was briefly discussed and a copy is attached.

Claim(s) discussed: 1-25.

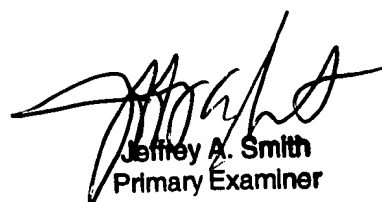
Identification of prior art discussed: Flake U.S. Patent No. 5,832,451, Hotel Rervation Network, Pagasus Systems.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Agreement with respect to the claims was not reached. Examiner feels that the new limitation that specifies Real-Time update data does not distinguish the instant invention.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


Jeffrey A. Smith
Primary Examiner

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirement

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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In a recent New Yorker cartoon, a disreputable-looking airplane passenger glances over at his business-suited seatmate who is about to eat his meal, and says, "I got this seat for three bucks on the internet; you going to eat that salmon?"

Making travel reservation online has not only become a cultural tool; it is become big business. Much of the focus has been on airlines, but hotel bookings are fast coming into their own. Representing less than one per cent of all hotel bookings in 1998, that figure was projected to grow to 10 per cent by 2003. PhoCusWright, a leading research company in online travel, projects online hotel bookings of four billion dollars by 2001.

With airlines still so dominated by global distribution systems, 'hotel bookings are where the internet action is', says Joshua Friedman, senior research analyst of online travel for IDC, a Mountain View, California-based research firm. "Online companies love hotels because they hold such great potential," says Kate Rice, information services manager at PhoCus Wright. "Something like 75 to 80 per cent of all airline tickets are sold through travel agencies. Hotels are the opposite. Only 20 percent are booked through agencies, the rest are direct."

In fact, proponents of the electronic revolution promise a rosy future for hotels: cheap and easy bookings online, eliminating the middle person that charges hotels commissions and fees. Leisure travellers, in particular, have been eagerly taking to the internet as a way to feel 'in control' of their travel planning. Coming on strong are corporations seeking to manage travel costs by making deals with online services.

But of course it's not that simple. What follows is a primer to help managers decide how to position themselves for the short and long-term online, and how to maximise revenues with the highest level of cost-effectiveness.

"There are just a few things a hotelier should keep uppermost in planning online strategy: who is the audience; how are we going to keep this distribution outlet up-to-date; how are they going to deliver my reservation; and what's it going to cost?" says John Burns, president of Hospitality Technology Consulting in Scottsdale, Arizona. The Golden Rule

is that hoteliers must make it easy for the consumer to reach them in a way the consumer is comfortable with.

The Pre-E Days

Always spoken with a bit of scorn by techies, the phrase 'legacy systems' means those distribution channels predating the internet revolution: 'brick-and-mortar' travel agencies; global distribution systems, designed to be the electronic go-between for airlines and travel agents; switch companies, which connected GDSs to hotels, car rental, and other non-airline suppliers.

Each performs a particular role and imposes a cost upon the hotel and consumer. The agent gets 10 per cent of the room rate, the GDS charges about three to five dollars. Small hotels usually cannot justify GDS fees, so mostly it is the larger chains that are GDS involved. But legacy companies are not rolling over and playing dead. A prime example is Rosenbluth Travel, a mega travel agency based in Philadelphia, which has bought biztravel.com. Many other agencies operate their own websites or forge relationships with Web-based companies.

What's Out There?


There's a universe of possibilities when it comes to booking hotels online:

- **Online agencies:** Many sites act as agencies online, collecting commissions for driving bookings to hotels. But this category usually comprises companies such as Expedia.com and Travelocity, which offer all the products and services of a traditional agency. While airlines and other suppliers have cut their commissions, online agencies have the advantage of being able to take advertisements. And they seek to do so by continually adding value-added elements like promotions, mapping and e-mail alerts. These early online agencies are electronic overlays of the GDSs, which traditionally worked far better for airlines than hotels. However, according to Rice, GDS-based sites have made huge strides and continue to make progress by forging strategic partnerships that help bring richer Web content to their systems.
- **GDSs:** A number of GDSs have developed their own websites in an effort to reach guests directly. Reservations booked through Travelocity (which was created by SABRE) are referred to a switching company and then processed through the traditional reservation structure. GDSs have become aggressive in establishing an online presence. For example, Amadeus provides the booking platform for Wal-Mart's consumer travel site; it is also establishing relationships with major online players to develop consumer and corporate products.
- **Switch companies** have their own websites, such as Travel Web by Pegasus and FastConnect by WizCom. These allow the switch companies to cut into the role of GDSs by using their partnerships with hotels to host occupancy and rate data and to forge relationships with travel agencies and guests, instead of simply relaying data between hotels and GDSs.
- **Proprietary sites:** While most big chains process bookings online, method accounts for a very small percentage of total bookings

(maybe two per cent). While hotel companies usually prefer bookings on their own site because they don't have to pay a middleman, these sites further serve as an information source and an effective way to communicate with their best customers.

- 'Pure' internet alternatives to GDSs have emerged. WorldRes, for example, is an internet-based hotel reservation network open to all hotel properties, regardless of size or affiliation. These internet-based reservation networks do not charge hotels a membership fee, but they do charge a percentage markup over the rack rate. The companies are geared to hotel companies that have not typically had access to the GDSs and are targeted to the leisure traveller. As with many internet services, partnering is paramount. Consequently, being on WorldRes also means being on Travelocity, Expedia, and more.
- Discounters such as Hotel Reservations Network (HRN) and Priceline.com: These have become online giants. Another new player is Lastminute-travel.com. These companies have their own booking engine systems and, according to Rice, put hotels 'in front of a lot of eyes - through their own websites and their affiliated sites - eyes that these hotels could never put themselves in front of on their own. They basically let hotels concentrate on their core competency'.
- Third-party sites: These include everything from convention and visitor bureaus to city guides to AH&MA itself. Often, these sites work with Pegasus or HRN or others to serve as their booking engine, earning some revenue by sending business to those sites and adding value to their own sites. Many travellers book through the most popular sites on the Web - portals such as Yahoo and Excite.
- I Amalgams: To make it more confusing, internet companies are diversifying; Pegasus has its Web-based Travel Web aimed at consumers; and WorldRes, a business-to-business enterprise, also has its own consumer sites called placestostay.com and bedandbreakfast.com.

And Now, The Facts

 All the above and more have access to your rooms because of their relationship with octopus-like companies like HRN, which is affiliated with 2,000 other sites. But the hotel company must decide how to allocate rooms depending on the circumstances. Rooms might be allocated on a block basis to an outfit such as HRN, while distressed inventory might be released to Lastminutetravel.com at, yes, the last minute. Systems such as HRN and WorldRes claim that your hotel or company can enter its systems any time and change rates, add promotions, etc, and have that information instantly dispersed to all affiliated sites.

Some companies claim to provide direct connections with a hotel's own computer system. But most reservations from intermediaries continue to be sent by the traditional switching system, or by e-mail or fax, after which they must be input.

Realtime bookings are proclaimed by many sites, meaning consumers get to look at the same inventory and rates as the company's own agents. But that does not mean they have access to all the rooms the hotel has - only

those allocated by the hotel company.

It's important to know where your reservations come from because you might want to advertise on a site that is producing well or offer promotion on that site. Just like brick and mortar companies, online agencies have IATA numbers or codes so that you can pay those companies as you do a retail store; they, in turn, have ways to deal with sites that might have sent them a consumer.

The Bill, Please

Cost varies widely. While David Miranda, CEO of Lastminutetravel.com, maintains that the internet 'is squeezing all distribution costs out of the travel business', it is far from eliminating those costs. When dealing with travel agencies online, some companies continue to pay websites the traditional agency commission of 10 per cent, but there has been an attack on that standard. Marriott pays a flat five-dollar fee for each booking, comparable to about a two per cent commission; likewise, Best Western has cut commissions to five per cent. Others are looking at similar reductions.

When dealing with discounters, the main cost to hotels is the discounted rate itself. In the case of HRN, the company marks up the hotel's net rate at 25 to 30 per cent with half of that, in turn, going to pay commission to its online affiliates or to credit card fees. Internet companies say there is no expense to hotels because they only pay a commission (five to 10 per cent in the case of WorldRes) to those sites in the event of a booking. And Lastminutetravel.com operates by collecting fees for posting listings and for advertising. Even if a site is 'free', there's a lot to be done to maintain a web presence.

Experts wonder at what point does a hotelier decide he can only be on so many outlets, even if there's no cost, the manpower involved to put up information is substantial. "Hoteliers must have a different philosophy for each online option," Burns says, "just like a clothing wholesaler dealing differently with a boutique, a Sears, and an off-price outlet." Also, it's important to remember that circumstances dictate strategy. Two of the most important criteria to keep in mind are the size of your operation and whether you are trying to reach leisure or business travellers.

The internet appears to be a godsend for smaller properties or independents. Hand-held and wireless access to the internet is the next development. But that presents its own challenges. "It will be difficult for hoteliers to get the right information presented appropriately on the small screen," Burns says. "It will call for significant reformatting and repackaging of data for sale or presentation."

The author is a New Jersey-based business travel writer (Courtesy: Lodging)

Next Story >>

Top

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